

May-05-2009 08:23am

From-*****

T-262 F.002/004 F-920



City of Chicago
Richard M. Daley, Mayor

Department of Buildings

Richard J. McDonough
Commissioner

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February 20, 2009

Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

RE: Docket No. OSHA-2007-0066
Proposed Rule for Cranes and Derricks in Construction

Dear Sir or Madam:

As Commissioner of the City of Chicago Department of Buildings, I am writing to express the City's concern with the preemptive effect that promulgation of the proposed Occupational Safety and Health Administration (OSHA) rule will have upon public safety. As you are aware, OSHA has proposed a set of universal guidelines for certification of crane operators and for the maintenance and operation of cranes and derricks. As currently drafted, there is significant concern that promulgation of these rules may usurp the authority of states and municipalities to establish more detailed and more stringent rules that are designed to take into account local crane operation and safety needs.

I fully appreciate that OSHA's commendable intention is to diminish the likelihood that construction site workers might be injured from mishaps that lead to serious injury or death by reason of either a crane failure or operator error. In a city as large as Chicago, with a population approaching 3 million people, we have learned that worker safety is inextricably intertwined with public safety as a whole. In our densely populated municipality, where most cranes are in immediate proximity to crowded streets, pedestrian sidewalk traffic and adjacent occupied buildings, an accident involving a crane or derrick is certain to impact the public.

The City of Chicago is committed to preventing accidents, to ensuring safe crane operations and to protecting public safety through a four-pronged effort; through licensing, inspection, testing and enforcement.

Chicago is as well-known for lakefront winds, winter storms and freezing temperatures as it is for its resplendent summers and beachfront vistas. Our proximity to the Great Lakes triggers swift changes in weather patterns; and within just a few hours, conditions could arise which demand changes in the operation of equipment. Thus, I am firmly convinced that it is imperative that our municipality must have the authority to adopt and enforce regional crane regulations.



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In the interest of public safety, and to better ensure the safe operation of cranes and derrick, the Chicago Department of Buildings promulgated its own crane licensing ordinance in 1990. The Construction Equipment Bureau safeguards the general public by holding the construction contractors, machinery suppliers and crane operators to the highest standards in the construction industry. The Bureau consists of seven (7) Inspectors who examine and evaluate numerous mobile and tower cranes on a daily basis. The Inspectors are all licensed crane operators with over 200 years of combined crane operating and crane inspecting experience.

Continuously since 1999, there have been no less than twenty-three (23) tower cranes, and as many as fifty-three (53) erected in Chicago on any given day. Many, if not all of these tower cranes operate seven (7) days a week. In order to protect the public, Chicago's Inspectors are on site during the entire assembly and jacking process, including throughout the weekends and after the normal 7 a.m. to 3:30 p.m. work day. Their responsibilities also include inspection of derrick and the hundreds of mobile cranes that operate throughout the City during the course of construction.

Chicago's Inspectors are in place and ready to mobilize at a moments notice and can be on a job-site usually within 15 minutes of any emergency call. As a result of such prompt responses, Inspectors can help to coordinate events that follow any emergency, including closing the street and monitoring any temporary structural work necessary to stabilize a crane or handle any situation as the case may need. An Inspector's presence on the jobsite often helps to avoid injury, death or property damage that could result from any potential hazardous situations that could arise.

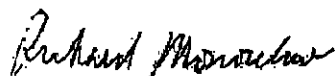
In addition to monitoring jobsites, the City of Chicago works to protect the public at large by imposing crane operator licensing requirements that are stricter than those proposed by OSHA rule. For example, the City requires 2,000 hours of crane operating experience as a prerequisite to obtaining a crane license. Applicants are also required to take a written test, as well as pass a practical examination based upon the type and size of the crane for which the operator is seeking his or her license. Likewise, the City of Chicago licenses derrick operators that are otherwise specifically excluded under OSHA's proposed rule.

Again, as Chicago's Commissioner of Buildings, I respect OSHA's efforts to promote worker safety. Unfortunately, as currently proposed, the regulations prevent local governments from imposition of stricter regulations that would include the protection of all Chicagoans. Local governments must be able to participate at the ground level, in both regulation and enforcement, to help prevent accidents that may result in injury to both workers and the general public. This role can only serve to enhance OSHA's baseline objectives.

For these reasons, I must respectfully request that OSHA reconsider its rules and provide local governments such as the City of Chicago an opportunity to develop operational requirements, to perform integrated inspections and to regulate trades in a manner consistent with the best interests of the public. I hope you will see fit to allow the City of Chicago the opportunity to establish rules and regulations that go beyond OSHA's minimum worker-safety requirements.

The City of Chicago shares your interest in the promotion of safety and I respectfully request that the proposed rule be amended to address the issues set forth above.

Respectfully submitted,



Richard Monocchio
Commissioner
City of Chicago Department of Buildings
120 N. Racine
Chicago, IL 60607

cc: Frank Kruesi
Pat Harney